

REMARKS/ARGUMENTS

In the Office Action dated June 21, 2004, the Examiner 1) objected to claims 2-4 for informalities; 2) rejected to the claims under 35 U.S.C. § 112, second paragraph for being indefinite; and 3) rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,109,824, issued to *Annès*. In order to address some of the language concerns pointed out by the Examiner, the Applicant cancels claims 1-5 and presents new claims 6-12.

The claims have been amended to include the lower portion of the frame as having an inclined wall which allows the frame to be capable of positioning itself at an angle relative to the axis of the tubular section when there is ground movement. This feature is described in the disclosure, for example at paragraph [00027], lines 4-5, and is also illustrated in the drawings, see for example Figure 1, element 2. In addition, claims have been added for the method as described in the disclosure at paragraph [00024] and directed to the installation of the system.

With respect to the *Annès* reference, claims 1-5 were rejected as being anticipated by *Annès*. *Annès* discloses a self-leveling manhole system comprising a tubular section represented by reference character 5, as acknowledged by the Examiner, and a frame having upper and lower portions, represented respectively by reference characters 3 and 9 (the Examiner's reference to the upper portion of the frame by reference character "2/35" is not understood). The lower portion of the frame, according to *Annès*, has a tubular downwardly extending conduit 9, which, as described in the patent at column 5, line 20-21, "is integrally formed with the frame 3". In addition, the lower portion 9 does not include any inclined wall.

Claim 6 is directed to a self-leveling system which comprises a tubular section and a frame having an upper portion and a lower portion. The frame is free to displace vertically and

angularly, and is capable of sliding along an external wall of the tubular section. The lower portion of the frame has an inclined wall which allows the frame to be capable of positioning itself at an angle relative to the axis of the tubular section when the ground moves. Thus, the frame of the invention adjusts itself naturally upon movement of the ground, while the tubular section does not move.

This feature of the applicant's system is not found in the system disclosed in *Annès*. Indeed, since the frame 3 and the tubular conduit 9 of *Annès* are a one-piece structure, the frame alone cannot move to adjust itself. Also, contrary to the Examiner's assertion, because of the integral, one-piece, construction of the frame and tubular section of *Annès*, vertical movement extending the length of the tubular section is not possible. The tubular conduit would also have to move angularly, and since soil around it is compacted, this would not be possible. Thus, a ground settlement would create a void under one of the inclined bottom walls of the frame, resulting in the pavement being lowered on one side, leading to damage and a possible break between the frame and the tubular conduit. This would be a catastrophic result for this system.

The above structural differences between the system according to the invention as claimed and the system of the *Annès* patent translate in several advantages. For example, the applicant's system allows for direct access to the bell, as described in paragraph [00027]. Thus a camera can be used for inspection and access for maintenance. In addition, the applicant's system, as claimed, allows for a method of installation wherein the soil around the system is well compacted prior to installing the frame.

On the contrary, with the system according to the *Annès* patent, the final stages of the compacting process are performed on top of the frame which is already installed. Also, the

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installation of the frame according to the *Annès* patent in a sewer located on an inclined road would present some difficulties such as compacting the soil around an inclined tubular section, since the tubular section will be moving constantly because of the weight of the frame at its extremity.

Allowance of claims 6-12 is respectfully requested. If the Examiner believes that a telephonic interview would be beneficial, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,



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